

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FUNCTION MEDIA, L.L.C.

§

Plaintiff,

§

Civil Action No. 2007-CV-279

vs.

§

GOOGLE INC. AND YAHOO, INC.

§

FILED UNDER SEAL

Defendants.

§

JURY TRIAL DEMANDED

[PROPOSED] ORDER

Before the Court is Plaintiff's Function Media's Motion for Partial Summary Judgment as to Anticipation and Non-Obviousness. After reviewing the Motion and evidence submitted, the Court finds that the Motion for Partial Summary Judgment should be and hereby is **GRANTED**.

Accordingly, the Court rules that:

1. U.S. Patent No. 5,918,014 does not anticipate the asserted claims of the Patents-in-Suit.
2. U.S. Patent No. 5,948,061 does not anticipate the asserted claims of the Patents-in-Suit.
3. U.S. Patent No. 6,026,368 does not anticipate the asserted claims of the Patents-in-Suit.
4. U.S. Patent No. 6,401,075 does not anticipate the asserted claims of the Patents-in-Suit.
5. U.S. Patent No. 6,985,882 does not anticipate the asserted claims of the Patents-in-Suit.
6. WO 97/21183 does not anticipate the asserted claims of the Patents-in-Suit.
7. Zeff & Aronson (1997) does not anticipate the asserted claims of the Patents-in-Suit.
8. Zeff & Aronson (1999) does not anticipate the asserted claims of the Patents-in-Suit.
9. Langheinrich does not anticipate the asserted claims of the Patents-in-Suit.
10. AdForce does not anticipate the asserted claims of the Patents-in-Suit.
11. Aaddzz does not anticipate the asserted claims of the Patents-in-Suit.

12. AdKnowledge does not anticipate the asserted claims of the Patents-in-Suit.
13. NetGravity does not anticipate the asserted claims of the Patents-in-Suit.
14. DoubleClick does not anticipate the asserted claims of the Patents-in-Suit.
15. Ad-Star does not anticipate the asserted claims of the Patents-in-Suit.
16. AdManagerPro does not anticipate the asserted claims of the Patents-in-Suit.

The Court further holds that no combination of the above references renders any asserted claim of the Patents-in-Suit obvious.